

## **REMARKS**

Claims 1 and 2 are pending.

Claims 1 and 2 stand rejected.

Claims 1 and 2 have been amended. Support for these amendments can be found in the specification and drawing, as originally filed.

New claims 3-5 have been added. Support for these claims can be found in the specification and drawing, as originally filed.

## **SPECIFICATION**

The specification, particularly the headings, has been amended in accordance with the Examiner's suggestions. The Applicant's aver that no new matter has been entered by virtue of these amendments.

## **CLAIM OBJECTIONS**

Claim 2 stand objected to because of the following informalities: in claim 2, line 1, "Claim" should be replaced with "claim".

In the interests of expediting prosecution of the instant application, and without admission that any amendment is required, the Applicant has amended claim 2 in accordance with the Examiner's suggestion.

The Applicant submits that the objection claim 2 has been overcome or rendered moot.

### **35 USC §112 REJECTION**

Claims 1 and 2 stand rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Applicants respectfully traverse the 35 USC §112, second paragraph, rejection of claims 1 and 2.

In the interests of expediting prosecution of the instant application, and without admission that any amendment is required, the Applicants have amended claim 1 to remove the allegedly indefinite language. More specifically, claim 1 has been amended to recite that the “housing (1) is slidably received in the retaining element (29) in a torsion-proof way” and that the cover (35), as opposed to the housing (1), is freely removable from the housing (1) and the retaining element (29) when the shutoff device (10) is not fastened to the housing (1). Additionally, the phrases “on one hand” and “on the other” have been removed from the pending claims.

The Applicant submits that the 35 USC §112, second paragraph, rejection of claims 1 and 2 has been overcome or rendered moot.

### **35 USC §102(b) REJECTION**

Claims 1 and 2 stand rejected under 35 USC §102(b) as being anticipated by U.S. Patent No. 5,020,563 to Hoffman et al.

The Applicants respectfully traverse the 35 USC §102(b) rejection of claims 1 and 2.

The law is clear that anticipation requires that the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States. 35 U.S.C. 102(b).

The law is also clear that a claim in dependent form shall be construed to incorporate all the limitations of the claim to which it refers. 35 U.S.C. 112, fourth paragraph.

In the interests of expediting prosecution of the instant application, and without admission that any amendment is required, the Applicants have amended claim 1 to recite, among other things, a gas socket assembly, comprising: (a) a housing (1) including an inlet port (2) for providing a fixed connection of the gas socket with a gas pipe installed on a wall (28); (b) a shutoff device (10) for the connection of a gas connection plug which, when the gas connecting plug is connected, does not release an internal gas path until external tightness is established, wherein the shutoff device (10) protrudes in a gas-tight way into the housing (1) with a substantially tube-shaped nozzle (11) that can be shifted in a longitudinal way; (c) a retaining element (29) connected with the wall (28), where the housing (1) is slidably received in the retaining element (29) in a torsion-proof way; and (d) a cover (35) open on its face-side which, in one of its side walls, has an opening (36) for the inlet port (2), wherein the cover (35) surrounds the retaining element (29) and the housing (1) and is freely removable therefrom when the shutoff device (10) is not fastened to the housing (1); wherein the cover (35) is fixedly secured to and supported on at least a portion of the wall (28) and at least a portion of the shutoff device (10) when the shutoff device (10) is fastened to the housing (1).

Hoffman et al. does not teach the invention as claimed in independent claim 1, or the claims dependent therefrom.

Specifically, Hoffman et al. fails to disclose that the housing is slidably received in a retaining element in a torsion-proof way, nor does it disclose a cover that surrounds the retaining element and the housing and is freely removable therefrom when a shutoff device is not fastened to the housing, wherein the cover is fixedly secured to and supported on at least a portion of a wall and at least a portion of the shutoff device when the shutoff device is fastened to the housing. Additionally, most of the assembly taught by Hoffman et al. is recessed behind a wall, as opposed to the present invention wherein the entire assembly is contained in front of the wall for easy installation and user access.

Thus, Hoffman et al. does not appear to anticipate independent claim 1, as amended, or the claims dependent therefrom.

Because claim 1 is allowable over Hoffman et al. for at least the reasons stated above, claim 2, which depends from and further define claim 1, is likewise allowable.

Accordingly, the Applicants contend that the 35 U.S.C. 102(b) rejection of claims 1 and 2 has been overcome.

Additionally, the Applicants contend that Hoffman et al. does not render claims 1 and 2 obvious.

The standard for obviousness is that there must be some suggestion, either in the reference or in the relevant art, of how to modify what is disclosed to arrive at the claimed invention. In addition, "[s]omething in the prior art as a whole must suggest the desirability and, thus, the obviousness, of making" the modification to the art suggested by the Examiner.

*Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 1051, 5 U.S.P.Q.2d (BNA) 1434, 1438 (Fed. Cir.), cert. denied, 488 U.S. 825 (1988). Although the Examiner may suggest the teachings of a primary reference could be modified to arrive at the claimed subject matter, the modification is not obvious unless the prior art also suggests the desirability of such modification. *In re Laskowski*, 871 F.2d 115, 117, 10 U.S.P.Q.2d (BNA) 1397, 1398 (Fed. Cir. 1989). There must be a teaching in the prior art for the proposed combination or modification to be proper. *In re Newell*, 891 F.2d 899, 13 U.S.P.Q.2d (BNA) 1248 (Fed. Cir. 1989). If the prior art fails to provide this necessary teaching, suggestion, or incentive supporting the Examiner's suggested modification, the rejection based upon this suggested modification is error and must be reversed. *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d (BNA) 1566 (Fed. Cir. 1990).

As previously noted, Hoffman et al. fails to disclose that the housing is slidably received in a retaining element in a torsion-proof way, nor does it disclose a cover that surrounds the retaining element and the housing and is freely removable therefrom when a shutoff device is not fastened to the housing, wherein the cover is fixedly secured to and supported on at least a portion of a wall and at least a portion of the shutoff device when the shutoff device is fastened to the housing. Additionally, most of the assembly taught by Hoffman et al. is recessed behind a wall, as opposed to the present invention wherein the entire assembly is contained in front of the wall for easy installation and user access. Therefore, the cover of the claimed invention could not be freely removed if it is contained behind the wall, as specifically taught by Hoffman et al., regardless of whether the shutoff device was or was not mounted to the housing. In fact, anything resembling a cover that is

disclosed by Hoffman et al., appears to be mounted on the opposite wall surface, i.e., away from the main housing.

Thus, one of ordinary skill in the art would not look to Hoffman et al. for guidance on a gas socket assembly, as presently claimed.

## **CONCLUSION**

In view of the foregoing, the Applicant respectfully requests reconsideration and reexamination of the Application. The Applicant respectfully submits that each item raised by Examiner in the Office Action of March 16, 2007 has been successfully traversed, overcome or rendered moot by this response. The Applicant respectfully submits that each of the claims in this Application is in condition for allowance and such allowance is earnestly solicited.

The Examiner is invited to telephone the Applicant's undersigned attorney at (248) 723-0423 if any unresolved matters remain.

Any needed extension of time is hereby requested with the filing of this document.

The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 08-2789. A duplicate copy of this letter is enclosed herewith for this purpose.

**Respectfully submitted,**

**HOWARD & HOWARD ATTORNEYS, P.C.**

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**Date**

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